

AMENDED IN SENATE MAY 10, 2006

AMENDED IN SENATE MAY 3, 2006

AMENDED IN SENATE MARCH 23, 2006

AMENDED IN SENATE MARCH 20, 2006

SENATE BILL

No. 1289

Introduced by Senator Cedillo

February 14, 2006

An act to amend Section 11403 of, and to add Section 16501.155 to, the Welfare and Institutions Code, relating to foster children.

LEGISLATIVE COUNSEL'S DIGEST

SB 1289, as amended, Cedillo. Foster children: continuing aid and transitional services.

Existing law provides for programs, such as the Transitional Housing Placement Program and the Supportive Transitional Emancipation Program (STEP), to provide services for foster children making the transition to independent living.

Existing law establishes the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program, under which counties provide payments to foster care providers on behalf of qualified children in foster care. The program is funded by a combination of federal, state, and county funds, with moneys from the General Fund being continuously appropriated to pay for the state's share of AFDC-FC costs. Under existing law, aid is provided to foster children until the age of 18 years, but may be continued after a child's 18th birthday if the child is attending high school or an equivalent vocational or technical program, or is pursuing a high school equivalency certificate, and meets other specified requirements.

This bill would instead allow a child who is in foster care and receiving AFDC-FC aid to continue to receive aid after 18 years of age until 21 years of age, if the foster child ~~is either in attendance at a high school, university or community college, or vocational or technical training program, on a full-time or part-time basis, or is employed on a full-time or part-time basis, on his or her 18th birthday~~ *meets specified conditions.*

Existing law requires the department to develop statewide standards for the Independent Living Program for emancipated foster youth established pursuant to federal law. Under existing law, counties administer the Independent Living Program, and annually report to the State Department of Social Services regarding county implementation of the program. Existing law requires the case plan for a foster child 16 years of age or older to include specified independent living skills, when appropriate.

This bill would require a county independent living program to provide mandatory, monthly, one-on-one case management for a foster child 14 years of age or older, focusing on specified issues related to the foster child's impending emancipation from foster care. The bill would require that this case management only be provided to a foster child residing in a group home, with a case plan for permanency placement, until January 1, 2008, and to foster children in other designated placements on specified dates.

Existing law continuously appropriates moneys from the General Fund to defray a portion of county costs under the CalWORKs program.

This bill would instead provide that the continuous appropriation would not be made for purposes of implementing the bill.

By placing additional responsibilities on counties administering the AFDC-FC program, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
2 following:
- 3 (a) California requires most youth to emancipate from foster
4 care at 18 years of age, even though research suggests that most
5 young people are not fully self-sufficient until 27 years of age.
- 6 (b) Fifty percent of individuals in the United States between
7 18 and 24 years of age live at home with their parents, and that
8 number increases to 75 percent when looking at young adults at
9 18 years of age.
- 10 (c) In California, 50 percent of former foster youth become
11 homeless within the first 18 months after emancipation, and 51
12 percent are unemployed.
- 13 (d) Foster youth transitioning to adulthood have great needs
14 and face significant challenges, including educational deficits,
15 housing instability, mental health problems, economic insecurity,
16 victimization, and lack of a support system.
- 17 (e) The youth who elect to remain in care voluntarily after the
18 age of 18 years are generally the most vulnerable youth, who
19 need the most direction and support. The more motivated youth
20 often have more control over their lives and often choose to leave
21 care as soon as possible.
- 22 (f) California is the “parent” of all foster youth in the state,
23 and it is the state’s responsibility to assist foster youth in
24 attaining the foundation necessary for a successful transition to
25 adulthood.
- 26 (g) The California foster care system encourages youths to
27 emancipate at 18 years of age, without requiring them to receive
28 any sort of life skills, tools that are essential to the survival of
29 any youth.
- 30 (h) Research from the Annie E. Casey Foundation suggests
31 that ensuring that foster youth receive hands on life skills case
32 management services increases the likelihood of educational
33 success and reduces the likelihood of negative employment
34 outcomes.

1 (i) Almost one-half of foster youth who emancipate on their
2 18th birthday are unable to support themselves without some
3 form of government assistance. Less than 50 percent are
4 employed, and 90 percent of those who are employed earn less
5 than \$10,000 a year.

6 (j) Researchers at the Chapin Hall Center for Children at the
7 University of Chicago have found that youth who remain in
8 foster care past their 18th birthday are twice as likely to be
9 enrolled in a school or training program as those who have been
10 discharged and over three times as likely to be enrolled in
11 college, and are less likely to become pregnant or parent a child,
12 experience economic hardship, or become involved with the
13 criminal justice system. The Chapin Hall study is at the forefront
14 of foster care research and is the only longitudinal study that
15 tracks older foster youth.

16 (k) Extended time in foster care gives youth the opportunity to
17 make up for educational deficits associated with their
18 maltreatment history and the school mobility that many of them
19 experience while in out-of-home care.

20 (l) Once youth become homeless, no social service money is
21 directed to them. Homeless youth who make their way to shelters
22 find that these facilities are adult-oriented, making a shelter a
23 dangerous setting for a young person. In addition, shelters are
24 often the venue for theft and drug use. Once youth are on the
25 streets, substance abuse becomes one of the largest problems
26 they face.

27 (m) People with a foster care history are overrepresented in the
28 homeless population. Homeless people with a foster care history
29 are more likely than other people to have their own children in
30 foster care.

31 (n) Young people who are emancipated from foster care and
32 become homeless tend to lack the support networks that other
33 people can rely upon in times of crisis.

34 (o) Washington, D.C., and several states, including New York,
35 Illinois, Pennsylvania, Ohio, and Oregon currently allow youths
36 to remain in care beyond 18 years of age.

37 SEC. 2. Section 11403 of the Welfare and Institutions Code is
38 amended to read:

39 11403. (a) A child who is in foster care and receiving aid
40 pursuant to this chapter and who is attending high school or the

1 equivalent level of vocational or technical training on a full-time
2 basis, or who is in the process of pursuing a high school
3 equivalency certificate prior to his or her 18th birthday may
4 continue to receive aid following his or her 18th birthday as long
5 as the child continues to reside in foster care placement, remains
6 otherwise eligible for AFDC-FC payments, and continues to
7 attend high school or the equivalent level of vocational or
8 technical training on a full-time basis, or continues to pursue a
9 high school equivalency certificate and the child may reasonably
10 be expected to complete the educational or training program or to
11 receive a high school equivalency certificate before his or her
12 19th birthday. Aid shall be provided to an individual pursuant to
13 this section provided that both the individual and the agency
14 responsible for the foster care placement have signed a mutual
15 agreement, if the individual is capable of making an informed
16 agreement, that documents the continued need for out-of-home
17 placement.

18 ~~(b) A-(1) Subject to paragraph (2), a child who is in foster~~
19 ~~care and receiving aid pursuant to this chapter and who is either~~
20 ~~in attendance at a high school, university or community college,~~
21 ~~vocational or technical training program, or internship, on a~~
22 ~~full-time or part-time basis, or who is employed on a full-time or~~
23 ~~part-time basis, meets any of the following conditions on his or~~
24 ~~her 18th birthday, may continue to receive aid following his or~~
25 ~~her 18th birthday, until the foster child reaches 21 years of age.~~
26 ~~age:~~

27 *(A) The child is in attendance at a high school.*

28 *(B) The child continues to pursue a high school equivalency*
29 *certificate.*

30 *(C) The child is in attendance at a university or community*
31 *college, vocational or technical training program, or internship,*
32 *on a full-time or part-time basis.*

33 *(D) The child is employed on a full-time or part-time basis.*

34 (2) In order to be eligible for continued receipt of aid pursuant
35 to this subdivision, the foster child shall continue to reside in a
36 foster care placement, and shall remain otherwise eligible for
37 AFDC-FC payments. Aid shall be provided to an individual
38 pursuant to this section, provided that the individual has
39 consented to remain in foster care, *and provided that both the*
40 *individual and the agency responsible for the foster placement*

1 *have signed a mutual agreement, if the individual is capable of*
2 *making an informed agreement, that documents the youth's*
3 *qualifications to remain in care under this subdivision.*

4 *(3) An individual who otherwise meets the eligibility*
5 *requirements set forth in paragraphs (1) and (2) shall not be*
6 *deprived of benefits solely because he or she does not sign a*
7 *mutual agreement with the agency responsible for foster*
8 *placement.*

9 *(4) Foster youth who were eligible for benefits under*
10 *subdivision (a) shall receive uninterrupted benefits under this*
11 *subdivision so long as they meet the eligibility requirements set*
12 *forth in this subdivision.*

13 SEC. 3. Section 16501.155 is added to the Welfare and
14 Institutions Code, to read:

15 16501.155. (a) A county independent living program shall
16 provide mandatory, monthly, one-on-one case management for
17 foster youth 14 years of age and older, pursuant to this section.
18 This case management shall focus on high school graduation,
19 future educational goals, housing options after release from foster
20 care, vocational and career counseling and placement, and
21 knowledge of community resources and public benefits,
22 including those offered through the independent living program.

23 (b) Until January 1, 2008, the case management required
24 pursuant to subdivision (a) shall only be required for a foster
25 child residing in a group home whose case plan is for
26 permanency placement rather than reunification. Commencing
27 January 2, 2008, this case management shall also be mandatory
28 for a foster child 14 years of age and older who is placed with a
29 nonrelative in a permanent placement. Commencing June 1,
30 2008, this case management shall also be mandatory for a foster
31 child 14 years of age and older who is placed with a nonrelative
32 or in a permanent placement with a relative. Commencing
33 January 1, 2009, this case management shall also be mandatory
34 for a foster child 14 years of age and older who is in any
35 out-of-home placement.

36 SEC. 4. No appropriation pursuant to Section 15200 shall be
37 made for the purpose of implementing this act.

38 SEC. 5. If the Commission on State Mandates determines that
39 this act contains costs mandated by the state, reimbursement to
40 local agencies and school districts for those costs shall be made

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

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